

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

RESOLUTION NO. 76-2

REQUESTING BAY AREA SEWAGE SERVICES AGENCY TO TAKE NECESSARY ACTIONS AND MAKE RECOMMENDATION TO THIS BOARD AS TO THE AGENCY TO IMPLEMENT A WATER QUALITY MANAGEMENT PLAN FOR THE MID-COASTSIDE AREA OF SAN MATEO COUNTY AND URGING THE STATE WATER RESOURCES CONTROL BOARD TO APPROVE FUNDING OF A CONSOLIDATED FACILITY WITH TREATMENT CAPACITY ACCEPTABLE TO THE SEWER AUTHORITY MID-COASTSIDE, SAN MATEO COUNTY

WHEREAS: Sewerage service for the San Mateo Mid-Coastside watershed is provided by three small agencies, namely the Montara and Granada Sanitary Districts and the City of Half Moon Bay.

WHEREAS: This Regional Board adopted an Order to cease and desist in February 1971, including a restriction on additional connections, against the City of Half Moon Bay. This action was appealed to and sustained by the State Board. The City constructed treatment plant improvements without a grant and outfall improvements aided by grant funds. This Board, in November 1973 rescinded its enforcement actions and adopted revised requirements. In December 1974 this Board adopted an NPDES permit which prohibits discharge exceeding 0.6 MGD until the city demonstrates that the point and method of discharge will provide maximum feasible protection of beneficial uses (including maintenance of natural water quality conditions in areas designated as being of special biological significance); and prohibits any subsequent discharges exceeding 1.0 MGD.

WHEREAS: NPDES Permits adopted in December 1974 for the Montara and Granada Sanitary Districts prohibit the discharges at their present locations. Time schedules adopted in July 1975 for both Districts require compliance with these prohibitions by June 1978.

WHEREAS: The County of San Mateo's Local Agency Formation Commission sponsored "A Water Pollution Control Study For The Half Moon Bay Basin-San Mateo County" submitted April 15, 1971; and the County Board of Supervisors and sewerage agencies sponsored a "San Mateo County Water Quality Management Program" study whose final report was submitted in October 1973. Both reports recommended consolidation of treatment, and disposal or reclamation facilities. The Water Quality Control Plan, San Francisco Bay Basin, adopted by the Regional and State Boards in 1975 conforms with the above recommendations.

WHEREAS: By letter dated November 8, 1973 the State Board's Clean Water Grant Program Manager stated that grants for planning, design, and construction of facilities to serve the mid-coastside area would be provided only to a central agency or joint-powers agency having planning and implementation powers.

WHEREAS: The three mid-coastside agencies have:

1. Undertaken an oceanographic study, with grant funding, to determine suitable outfall locations. This study is scheduled for completion in May 1976.
2. Submitted a project report dated July 1975 and a draft Environmental Impact Report dated June 1975 which describe several plans including two major alternate plans for facilities, designated as:
 - "Plan A" which recommends continued operation of three treatment plants with necessary improvements, and consolidated transport and disposal facilities, all to be jointly operated and maintained. This plan was selected as the apparent best alternative.
 - "Plan F" which calls for full consolidation of treatment and disposal with necessary transport facilities, jointly operated and maintained.
3. Made a number of unsuccessful attempts to form a joint powers agency, and have now signed a joint letter of understanding and a joint exercise of powers agreement creating an agency to be known as "SEWER AUTHORITY MID-COASTSIDE (SAM)". The former states the intent of the three agencies to implement Plan "F", provided that Clean Water Grant Funding can be secured for 1.8 MGD treatment capacity (the sum of "design" capacities of existing plants). The State Board staff has previously stated that "fundable" capacity for such a facility would be about 1.1 to 1.2 MGD, because of constraints imposed by Clean Water Grant Regulations.
4. Stated their intent to jointly pursue, through any appeal steps necessary, a grant offer as above, and have initiated appeal proceedings with full cooperation from Bay Area Sewage Services Agency (BASSA).
5. Stated their intent to implement Plan "A" if full funding as requested for Plan "F" is not forthcoming.

WHEREAS: The Chief Administrative Officer of BASSA, by letter of January 20, 1976, and at subsequent staff discussions, informed the Executive Officer that:

1. BASSA's Board of Trustees, on December 17, 1975 adopted its Resolution No. 75-41 prescribing an implementation schedule for the Mid-Coastside Subregion which is in substantial conformance with NPDES schedules for the three agencies.
2. If the prescribed schedule is not met, BASSA will call for public hearing, pursuant to California Water Code Section 16681, on the question of whether the local agencies have the capability and willingness to implement the Regional Plan of BASSA (which conforms with the S. F. Bay Basin Plan).
3. BASSA staff has been directed to expedite implementation of the Regional Plan.
4. Support and assistance of the Regional Board is urgently requested.
5. BASSA staff has been and is working diligently with the local agencies to complete their institutional arrangements and to assist in their appeal for acceptable funding of the proposed project, - Plan "F".

WHEREAS: The Executive Officer, in memorandum of October 29, 1975, to the State Board, commented on the Mid-Coastside Project Report of July 1975:

1. Recommending certification of Grant Funding for "Plan F".
2. Recommending approval of funding of 1 MGD treatment capacity for the City of Half Moon Bay in the consolidated treatment plant for the following reasons:
 - "a. The City now has "interim" facilities which were designed for 1 MGD capacity. While these need to be replaced with "permanent" facilities, the City would have little or no incentive to participate in a Regional solution if it lost potential treatment capacity. The City would be more likely to wait until normal growth made it eligible (in about ten years) for 1 MGD capacity funding. Such a delay is not consistent with the objectives of the Grant Program or the policies of the Regional Board.
 - b. Enforcement action by the Regional Board to encourage the City to participate in the Regional solution at this time would not be realistic since the City is currently able to meet its requirements with existing facilities.
 - c. The existing facilities were constructed without use of Grant funds, in response to a 1971 enforcement action of the Regional Board which was sustained by the State Board after appeal by the City."

NOW, THEREFORE, BE IT RESOLVED that this Regional Board:

1. Is encouraged by the creation of S.A.M. and their stated intent to implement facilities for the San Mateo mid-coastside area, but it has reservations with regard to the capability of the S.A.M. to design, construct, and operate the consolidated facilities in accordance with the Water Quality Control Plan for the San Francisco Bay Basin, and with a schedule satisfactory to this Board.
2. Requests BASSA to conduct necessary public hearings and investigations, make all necessary findings, and to recommend to this Regional Board before April 20, 1976, as to the agency which has the capability and willingness and has taken positive steps to design, construct, and effectively operate facilities necessary to implement a Water Quality Management Plan for the San Mateo Mid-Coastside Area, which is acceptable to BASSA and to this Regional Board.
3. Recommends and urges that the State Board approve funding of 1 MGD treatment capacity for the City of Half Moon Bay and a total capacity of approximately 1.8 MGD in the consolidated treatment plant proposed by Plan "F", notwithstanding the provisions of Section 2133 in the Clean Water Grant Program Regulations.
4. Instructs the Executive Officer to commence preparation at the earliest possible date of enforcement actions as may be appropriate against the City of Half Moon Bay and Montara and Granada Sanitary Districts to include consideration of cease and desist orders with restrictions on additional discharges to the sewer systems.

I, Fred H. Dierker, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on February 17, 1976.

FRED H. DIERKER
Executive Officer